



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY/DOCKET NO.
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08/128,628 05/13/93 FARNWORTH

ESM1/0117

STEPHEN A. GRATTON
10375 GUMBARK PLACE
SAN DIEGO, CA 92131

W 9162.7
EXAMINER

KARLSEN, E

ART UNIT	PAPER NUMBER
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12

2687

DATE MAILED:

01/17/95

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined ☒ Responsive to communication filed on 10-6-94 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133.

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input checked="" type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 44-49, 51-56, 71-77 are pending in the application.
Of the above, claims 45, 51-56, 71-77 are withdrawn from consideration.
2. ☒ Claims 1-43, 50, 57-70 have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 44, 46-49 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with Informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

Art Unit 2607

1. Applicant's election with traverse of Group I and the species of Figure 6 in Paper No. 10 is acknowledged. The traversal is on the ground(s) that both of Groups I and IV contain the same elements. This is not found persuasive because Applicants have not shown that the groups are not patentably distinct. Admission on the record that the groups are not patentably distinct will result in rejoinder.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 45, 51-56 and 71-77 are withdrawn from further consideration by the examiner, 37 C.F.R. § 1.142(b), as being drawn to a non-elected group and species, the requirement having been traversed in Paper No. 10.

3. Claims 44 and 46-49 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 44 limitation (c) relates to a contact having several parts. It is not clear what the parts are and how they are structured relative to each other. It is not clear what surface is referred to in claim 44, line 14. Is the raised portion a separate element that is somehow attached to a surface? It is not clear what limiting effect the force and penetration relationships have on the scope of the claims.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under

Serial No. 08/120,628

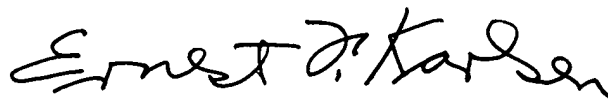
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Art Unit 2607

this section made in this Office action:

- A person shall be entitled to a patent unless --
5. (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
 6. Claims 44 and 46-49 are, insofar as understood, rejected under 35 U.S.C. § 102(b) as being fully anticipated by any one of Littlebury et al., Liu et al., Kawada et al. or Leedy.

E. Karlsen:lsd
January 9, 1995
703-305-4768


ERNEST F. KARLSEN
PRIMARY EXAMINER
GROUP 267